

ASSEMBLY BILL

No. 2470

Introduced by Assembly Member Salas

February 21, 2014

An act to amend Sections 52256.5, 52288, and 52452 of the Food and Agricultural Code, relating to seed.

LEGISLATIVE COUNSEL'S DIGEST

AB 2470, as introduced, Salas. California Seed Law.

Existing law, the California Seed Law, regulates seed sold in California, and requires each container of agricultural seed that is for sale or sold within this state for sowing purposes to be labeled, as specified, unless the sale is an occasional sale of seed grain by the producer of the seed grain to his neighbor for use by the purchaser within the county of production. Existing law defines “person” for purposes of that law to mean an individual, partnership, trust association, cooperative association, or any other business unit or organization.

This bill would clarify that definition of “person” to include corporations. The bill would also clarify the term “neighbor” for purposes of the labeling requirements specified above to mean a person who lives in close proximity, not to exceed 3 miles, to another. The bill would revise a statement of legislative intent to include ensuring that the amount of seed represented on a tag or label is properly identified.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 52256.5 of the Food and Agricultural Code is amended to read:

52256.5. "Person" also means any individual, partnership, corporation, trust association, cooperative association, or any other business unit or organization.

SEC. 2. Section 52288 of the Food and Agricultural Code is amended to read:

52288. The Legislature hereby declares that it is the intent of this chapter to enable the seed industry, with the aid of the state, to ensure that seed purchased by the consumer-buyer is properly identified and of the quality *and amount* represented on the tag or label. The Legislature further declares that the success of agriculture and the seed industry in this state depends upon the continued commitment to ~~industry-funded~~ *industry-funded* research in order to improve the quality and variety of seed available to the consumer-buyer.

SEC. 3. Section 52452 of the Food and Agricultural Code is amended to read:

52452. (a) Except as otherwise provided in Section 52454, each container of agricultural seed ~~which~~ *that* is for sale or sold within this state for sowing purposes, unless the sale is an occasional sale of seed grain by the producer of the seed grain to his *or her* neighbor for use by the purchaser within the county of production, shall bear upon it or have attached to it in a conspicuous place a plainly written or printed label or tag in the English ~~language, which gives~~ *language that includes* all of the following information:

~~(a) Commonly~~

(1) *The commonly* accepted name of the kind, kind and variety, or kind and type of each agricultural seed component in excess of 5 percent of the whole, and the percentage by weight of each. If the aggregate of agricultural seed components, each present in an amount not exceeding 5 percent of the whole, exceeds 10 percent of the whole, each component in excess of 1 percent of the whole shall be named together with the percentage by weight of each. If more than one component is required to be named, the names of all components shall be shown in letters of the same type and size.

~~(b) Lot~~

1 (2) *The lot number or other lot identification.*

2 ~~-(e) Percentage~~

3 (3) *The percentage by weight of all weed seeds.*

4 ~~-(d)~~

5 (4) *The name and approximate number of each kind of restricted*
6 *noxious weed seed per pound.*

7 ~~-(e) Percentage~~

8 (5) *The percentage by weight of any agricultural seed except*
9 *that which is required to be named on the label.*

10 ~~-(f) Percentage~~

11 (6) *The percentage by weight of inert matter. If a percentage*
12 *by weight is required to be shown by any provision of this section*
13 *such section, that percentage shall be exclusive of any substance*
14 *which that is added to the seed as a coating and shown on the label*
15 *as such.*

16 ~~-(g)~~

17 (7) *For each agricultural seed, seed in excess of 5 percent of*
18 *the whole, stated in accordance with subdivision (a) of this section,*
19 *paragraph (1), the percentage of—germination; germination*
20 *exclusive of hard seed; seed, the percentage of hard seed, if present;*
21 *present, and the calendar month and year the test was completed*
22 *to determine such the percentages. Following the statement of such*
23 *those percentages, the additional statement “total germination and*
24 *hard seed” may be stated as such, if desired. stated.*

25 ~~-(h) Name~~

26 (8) *The name and address of the person that who labeled the*
27 *seed; seed or of the person that who sells the seed within this state.*

28 ~~-All~~

29 (b) *All determinations of noxious weed seeds are subject to*
30 *tolerances and methods of determination which are prescribed in*
31 *the regulations which that are adopted pursuant to this chapter.*

32 (c) *For purposes of this section, “neighbor” means a person*
33 *who lives in close proximity, not to exceed three miles, to another.*